

REMARKS/ARGUMENTS

STATUS OF CLAIMS

In response to the Office Action dated June 8, 2007, claims 1 and 9 have been amended. Claims 1-10 are now pending in this application. No new matter has been added.

AMENDMENTS TO CLAIMS 1 AND 9

Claim 1 has been amended to recite, *inter alia*:

a base station connecting means which establishes connection to the base station by way of the second mobile communication terminal interface upon and after reception of the connection request signal, so as to enable ~~its connection to the base station with~~ the first mobile communication terminal to be connected to the external network by way of the second communication terminal.

Claim 9 has been amended to recite, *inter alia*:

when the connection request signal is received, data from the other mobile communication terminal

The amendments are deemed necessary to accurately reflect what is occurring and to provide consistency, and are not believed to change the scope of the claims. Consequently, entry of these amendment is respectfully solicited.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 103

Claims 1-10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Jawanda (USPN 6,243,581) in view of Wellig et al. (USPN 6,580,704). The

Examiner maintains that Jawanda discloses the claimed inventions except for the second wireless LAN interface connectable to the wireless LAN access point and a connection request transmitting means for transmitting a connection request signal to the second mobile communication terminal by way of the wireless LAN access point. The Examiner contends these features are disclosed by Wellig et al., referring to Figs. 1 and 9, and column 5, lines 14-25, and column 6, line 65 to column 7, line 6. The Examiner then concludes that it would have been obvious to combine the features of Wellig et al with the system of Jawanda to meet the terms of the claims.

The rejections are respectfully traversed.

Each of independent claims 1, 3 and 7 requires that a request signal be communicated by way of an access point.

As noted in the previous response, the purpose of Wellig et al. is to permit two mobile terminals that are connected to the same access point to have direct communication with each other without going through the access point. While the Examiner identifies wireless LAN gateway 22 of Jawanda as the wireless LAN access point, in actuality, wireless network adapter 20 of Jawanda is such wireless LAN access point since it is through this adapter that mobile terminal 14 (as well as other mobile terminals within WLAN 12) connects to WLAN 12. WLAN 12 can connect to the Internet via WLAN-G 22.

As described at column 4, lines 31-44 of Jawanda, in response to a signal transmitted via I/O adapter 78 (of mobile terminal 14) to mobile phone 16 (a connection request signal), the mobile phone 16 connects to base station 20 of WWAN 10, establishing a wireless data connection with WLAN 12 via external network 13 and

WWAN 10. The link connecting mobile phone 16 and adaptor 78 of mobile terminal 14 may be a conventional RS-232 connection (see column 3, lines 53-55). However, it is certainly possible for this connection to be a wireless connection. Thus, mobile phone 16 has both an interface for connecting to WWAN 10 and an interface for connecting to mobile terminal 14.

With this understanding, it would be clear to a person of ordinary skill in the art that mobile device 16 and mobile device 14 of Jawanda are in direct mode communication, which is what is to be accomplished by Wellig et al. What is not disclosed in Jawanda is that mobile phone 16 is connected to wireless network adapter 20. However, in Wellig et al., MT1 and MT2 *must maintain connection to access point AP* in order for MT1 and MT2 to directly communicate with one another. If either MT1 and MT2 drops connection to AP, there can be no direct communication between MT1 and MT2. Since Jawanda discloses direct communication between mobile phone 16 and mobile device 14 without mobile phone 16 being connected to wireless network adapter 20, there is no realistic reason why a person of ordinary skill in the art would want to connect mobile phone 16 to wireless network adapter 20 in order for mobile phone 16 to directly communicate with mobile device 14. This would certainly be inconsistent with how the arrangement of Jawanda is intended to function.

As further described at column 5, line 20-67 of Jawanda, when the higher band width direct connection to WLAN 12 via wireless network adapter 20 is available, mobile terminal 14 makes this connection to WLAN 12. When mobile terminal 14 moves out of range of WLAN 12, wireless connection with WLAN 12 is established via external

network 13, WWAN 10 and mobile phone 16 *without a connection request signal being sent from mobile terminal 14 to mobile phone 16 via wireless network adapter 20.*

Certainly, as presently connected, the arrangement of Jawanda provides a reliable system by having mobile terminal 14 connected to WLAN 12 via wireless network adapter 20, which has a higher band width data connection to WLAN 12 than the connection to WLAN 12 via external network 13, WWAN 10 and mobile phone 16 (see column 5, lines 20-24 of Jawanda). By changing to the higher band width data connection to WLAN 12 when it is available, unnecessary waste of scarce channel resources is avoided (see Examiner's comments on page 4 of the Office Action).

As can be seen from the above discussion, there is no realistic reason to have mobile phone 16 be connectable to wireless network adapter 20 and to receive a connection request signal from mobile terminal 14 (to which it is already connected) via the wireless network adapter 20. Clearly, the only realistic reason that the Examiner suggests the proposed modification of the system disclosed by Jawanda with the features of Wellig et al. to arrive at the claimed inventions is found in Applicant's disclosure which, of course, may not properly be relied upon to support the ultimate legal conclusion of obviousness under 35 U.S.C. §103. *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561, 227 1 USPQ2d 1593 (Fed. Cir. 1987).

In view of the above, independent claims 1, 3 and 7, as amended, are patentable over Jawanda and Wellig et al., considered alone or in combination, as are dependent claims 2, 4-6 and 8-10. Consequently, the allowance of claims 1-10, as amended, is respectfully solicited.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Edward J. Wise (Reg. No. 34,523) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 

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